

SENATE, No. 1793

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Concerns low emission and zero emission vehicles; establishes Clean Vehicle Task Force.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning low emission and zero emission vehicles,
2 establishing the Clean Vehicle Task Force, amending P.L.2003,
3 c.266, and repealing section 1 of P.L.2003, c.266.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. There is established the “Clean Vehicle
9 Task Force.” The task force shall comprise 13 members to be
10 selected and qualified as follows:

11 (1) The Commissioner of Environmental Protection, or the
12 commissioner’s designee, who shall serve ex officio and who shall
13 serve as chairperson of the task force;

14 (2) The President of the Board of Public Utilities, or the
15 president’s designee, who shall serve ex officio;

16 (3) The Commissioner of Transportation, or the commissioner’s
17 designee, who shall serve ex officio;

18 (4) The State Treasurer, or the State Treasurer’s designee, who
19 shall serve ex officio;

20 (5) The Director of the Division of Rate Counsel, in but not of
21 the Department of the Treasury, or the director’s designee, who
22 shall serve ex officio;

23 (6) One member of the General Assembly appointed by the
24 Speaker of the General Assembly, or the member’s designee, who
25 shall serve ex officio;

26 (7) One member of the Senate appointed by the President of the
27 Senate, or the member’s designee, who shall serve ex officio;

28 (8) A member representing manufacturers of automobiles sold
29 within the State, appointed by the Governor with the advice and
30 consent of the Senate;

31 (9) A member representing automotive retailers, appointed by
32 the Governor with the advice and consent of the Senate;

33 (10) A member of a recognized Statewide environmental
34 organization, appointed by the Governor with the advice and
35 consent of the Senate;

36 (11) A member of a recognized Statewide electric transportation
37 industry organization, appointed by the Governor with the advice
38 and consent of the Senate;

39 (12) A member representing the electric vehicle charging
40 infrastructure manufacturers, appointed by the Governor with the
41 advice and consent of the Senate; and

42 (13) A representative of a public electric or gas utility,
43 appointed by the Governor with the advice and consent of the
44 Senate.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. All appointed members shall be appointed within 30 days
2 after the effective date of this act. All vacancies in the membership
3 of the task force shall be filled in the same manner as the original
4 appointments were made.

5 c. The task force shall organize within 30 days following the
6 appointment of a majority of its members. The task force shall
7 meet at the call of the chairperson. The task force shall dissolve on
8 the 60th day after the date of submission of the task force report to
9 the Governor and the Legislature pursuant to subsection b. of
10 section 2 of this act.

11 d. The members shall serve without compensation, but may be
12 reimbursed for necessary expenses incurred in the performance of
13 their duties and within the limits of funds available to the task force.

14 e. The task force shall make recommendations by a majority
15 vote of its members.

16 f. The Department of Environmental Protection shall provide
17 staff support to the task force. The task force shall, however, be
18 entitled to call to its assistance and avail itself of the services of the
19 employees of any State department, board, bureau, commission or
20 agency, as it may require and as may be available for its purposes.

21

22 2. (New section) a. The Clean Vehicle Task Force shall:

23 (1) Evaluate the impact of economic, technological, and other
24 relevant factors since the enactment of P.L.2003, c.266 (C.26:2C-
25 8.15 et al.) on the implementation of the California Low Emission
26 Vehicle program and the California zero emission vehicle
27 requirements in this State;

28 (2) Study advances made in low emission vehicles, zero
29 emission vehicles, partial zero emission vehicles, and transitional
30 zero emission vehicle technologies, the infrastructure necessary to
31 support these vehicles, and the development of that infrastructure;

32 (3) Evaluate any proposed or adopted changes made by the
33 California Air Resources Board to the California Low Emission
34 Vehicle program and the California zero emission vehicle
35 requirements, and the potential effects of these changes on the
36 implementation of the California Low Emission Vehicle program
37 and the California zero emission vehicle requirements in this State;

38 (4) Evaluate any proposed or adopted changes made by the
39 United States Environmental Protection Agency, the National
40 Highway Traffic Safety Administration, and other federal agencies
41 with respect to air quality and criteria emission standards, fuel
42 economy, and greenhouse gas emission standards, and the impact of
43 these changes on the State as well as how they correlate and
44 compare to the current implementation of the California Low
45 Emission Vehicle program and the California zero emission vehicle
46 requirements in this State;

(5) Evaluate the California zero emission vehicle requirements and the State's implementation of, and compliance with, these requirements, in terms of:

- (a) availability of zero emission vehicle technology;
- (b) cost and retail price of vehicles using such technology;
- (c) performance of the technology and these vehicles;
- (d) consumer acceptance of the technology, vehicles, and the costs thereof;
- (e) development and accessibility of supporting infrastructure;
- (f) practicality of zero emission vehicle use in the State; and
- (g) compliance with the requirements of the federal Clean Air Act;

(6) Study the development of electric vehicles, the challenges to that development, and the availability and attractiveness of electric vehicles as a transportation option to the public;

(7) Study the development of hydrogen fuel cell technology, the challenges to that development, and the availability and attractiveness of hydrogen fuel cell vehicles as a transportation option to the public;

(8) Explore and study the development of other alternatives to zero emission vehicles, the challenges to that development, and the availability and attractiveness of such alternatives;

(9) Identify regulatory and statutory obstacles and inefficiencies at the federal, State, and local levels frustrating and impeding the use of low emission vehicles, zero emission vehicles, partial zero emission vehicles, and transitional zero emission vehicles in the State;

(10) Study the revenue impacts on the motor fuels tax and the petroleum products gross receipts tax from increased use of zero emission vehicles and alternative fuel vehicles and the resultant impact on the Transportation Trust Fund and transportation funding availability;

(11) Explore and study the expanded use of alternative fuels as fuel sources for commercial fleets and mass transit vehicles; and

(12) Identify opportunities for consumer education.

b. No later than one year after the task force organizes, the task force shall prepare and submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature summarizing the activities and findings of the task force, and setting forth its recommendations. The task force shall not recommend discontinuation of the implementation of the California Low Emission Vehicle program or the California zero emission vehicle requirements in the State.

3. Section 2 of P.L.2003, c.266 (C.26:2C-8.16) is amended to read as follows:

2. As used in **sections 1 through 7 of** P.L.2003, c.266 **[(C.2C:2C-8.15 et seq.)] (C.26:2C-8.15 et al.):**

1 "Advanced technology partial zero emission vehicle" means a
2 vehicle certified as an advanced technology partial zero emission
3 vehicle pursuant to the California Air Resources Board vehicle
4 standards for the applicable model year **【;】** .

5 "California Low Emission Vehicle program" means the second
6 phase of the low emission vehicle program being implemented in
7 the State of California, pursuant to the provisions of the Federal
8 Clean Air Act and the California Code of Regulations **【;】** .

9 "Commissioner" means the Commissioner of Environmental
10 Protection **【;】** .

11 "Department" means the Department of Environmental
12 Protection **【;】** .

13 "Federal Clean Air Act" means the federal "Clean Air Act," 42
14 U.S.C. s.7401 et seq., and any subsequent amendments or
15 supplements to that act **【;】** .

16 **【"Low Emission Vehicle Review Commission" means the**
17 **commission established by subsection a. of section 5 of P.L.2003,**
18 **c.266 (C.26:2C-8.19);】**

19 "Partial zero emission vehicle" means a vehicle certified as a
20 partial zero emission vehicle pursuant to the California Air
21 Resources Board vehicle standards for the applicable model year
22 **【;】** .

23 "State implementation plan" means the State implementation
24 plan for national ambient air quality standards adopted for New
25 Jersey pursuant to the federal Clean Air Act **【;】** .

26 "Zero emission vehicle" means a vehicle certified as a zero
27 emission vehicle pursuant to the California Air Resources Board
28 zero emission vehicle standards for the applicable model year, but
29 shall not include an advanced technology partial zero emission
30 vehicle or a partial zero emission vehicle **【; and】** .

31 "Zero emission vehicle requirement" means the percentage or
32 number of those vehicles certified as zero emission vehicles
33 pursuant to the California Air Resources Board vehicle standards
34 and required to be delivered by a manufacturer for sale or lease for
35 the applicable model year, and any additional percentages or
36 numbers of advanced technology partial zero emission vehicles or
37 partial zero emission vehicles that may be delivered by a
38 manufacturer for sale or lease to satisfy the zero emission vehicle
39 requirement established by the California Air Resources Board in
40 lieu of vehicles that meet the pure zero emission vehicle standard.

41 (cf: P.L.2003, c.266, s.2)

42

43 4. Section 3 of P.L.2003, c.266 (C.26:2C-8.17) is amended to
44 read as follows:

45 3. a. Notwithstanding any provision of a State implementation
46 plan submitted by the Department of Environmental Protection to
47 the United States Environmental Protection Agency pursuant to the

1 requirements of the federal "Clean Air Act Amendments of 1990,"
2 42 U.S.C. s.7403 et seq., to the contrary, the department shall
3 implement the California Low Emission Vehicle program and the
4 California zero emission vehicle requirements in the State
5 beginning on January 1, 2009 **】, except as provided pursuant to**
6 **sections 6 and 7 of P.L.2003, c.266 (C.26:2C-8.20 and C.26:2C-**
7 **8.21)】.**

8 b. The Commissioner of Environmental Protection, within 30
9 days after a proposed major substantive change to the California
10 Low Emission Vehicle program or the California zero emission
11 vehicle requirements that, if adopted, would necessitate a
12 corresponding substantive change to the program in New Jersey
13 adopted pursuant to subsection a. of this section or rules and
14 regulations adopted pursuant thereto, shall provide written notice
15 and a summary of the proposed substantive change to the Senate
16 Environment and Energy Committee and the Assembly
17 Environment and Solid Waste Committee, or their successors as
18 designated respectively by the President of the Senate and the
19 Speaker of the General Assembly.

20 c. The commissioner shall adopt, pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), any rules and regulations necessary to implement the
23 California Low Emission Vehicle program and the California zero
24 emission vehicle requirements in the State beginning on January 1,
25 2009.

26 (cf: P.L.2003, c.266, s.3)

27

28 5. Section 4 of P.L.2003, c.266 (C.26:2C-8.18) is amended to
29 read as follows:

30 4. a. The Commissioner of Environmental Protection shall
31 establish a zero emission vehicle credit bank to allow manufacturers
32 to earn and bank vehicle equivalent credits for any advanced
33 technology partial zero emission vehicle or partial zero emission
34 vehicle **【produced and delivered for sale or lease】** sold or leased in
35 the State **【on or after January 1, 1999 and through December 31,**
36 **2008】.**

37 (1) In establishing the credit bank required by this section, the
38 commissioner shall use the highest multiplier used by the California
39 Air Resources Board for determining the allowable vehicle
40 equivalent credits for each advanced technology partial zero
41 emission vehicle or partial zero emission vehicle **【delivered for sale**
42 **or lease】** sold or leased in the State by a manufacturer on or after
43 January 1, 1999 until the effective date of P.L.2003,
44 c.266 (C.26:2C-8.15 et al.).

45 (2) Beginning on the effective date of P.L.2003,
46 c.266 (C.26:2C-8.15 et al.), the commissioner shall use the
47 multiplier used by the California Air Resources Board for the

1 applicable model year for each advanced technology partial zero
2 emission vehicle or partial zero emission vehicle **【**delivered for sale
3 or lease**】** sold or leased in the State by a manufacturer on or after
4 the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.) **【**and
5 through December 31, 2008**】**.

6 b. (1) Within 180 days after the effective date of P.L.2003,
7 c.266 (C.26:2C-8.15 et al.), the commissioner shall publish a list in
8 the New Jersey Register of the make and model of those motor
9 vehicles that qualify as advanced technology partial zero emission
10 vehicles or partial zero emission vehicles for the 1999 through 2003
11 model years.

12 (2) Annually thereafter, the commissioner shall publish a list in
13 the New Jersey Register of the make and model of those motor
14 vehicles that qualify as advanced technology partial zero emission
15 vehicles or partial zero emission vehicles for that respective model
16 year.

17 (3) The commissioner may revise any list published pursuant to
18 this subsection as necessary to comply with the California Air
19 Resources Board vehicle standards for the applicable model year.

20 c. Notwithstanding the provisions of the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
22 contrary, the commissioner shall, immediately upon filing the
23 proper notice with the Office of Administrative Law, adopt such
24 temporary rules and regulations as necessary to establish a zero
25 emission vehicle credit bank pursuant to subsection a. of this
26 section. These rules and regulations may include, but need not be
27 limited to, the documentation to be submitted by a manufacturer to
28 determine eligibility and participation in the credit bank established
29 pursuant to subsection a. of this section, and fees for administrative
30 services provided to implement the zero emission vehicle credit
31 bank to be assessed to those manufacturers seeking to earn and bank
32 credits. The temporary rules and regulations shall be in effect for a
33 period not to exceed 270 days after the date of the filing, except that
34 in no case shall the temporary rules and regulations be in effect one
35 year after the effective date of P.L.2003, c.266 (C.26:2C-8.15 et
36 al.). The temporary rules and regulations shall thereafter be
37 amended, adopted or readopted by the commissioner as the
38 commissioner determines is necessary in accordance with the
39 requirements of the "Administrative Procedure Act."

40 d. **【**The provisions of this section shall expire upon the passage
41 of a concurrent resolution by the Legislature directing the
42 department to implement the National Low Emission Vehicle
43 program pursuant to subsection a. of section 6 of P.L.2003,
44 c.266 (C.26:2C-8.20).**】** (Deleted by amendment, P.L. _____,
45 c. ____) (pending before the Legislature as this bill)
46 (cf: P.L.2003, c.266, s.4)
47

- 1 6. Section 1 of P.L.2003, c.266 (C.26:2C-8.15) is repealed.
- 2
- 3 7. This act shall take effect immediately.

STATEMENT

This bill establishes the 13-member Clean Vehicle Task Force to evaluate issues connected with the promotion, development, and use of clean vehicles in the State, and make recommendations thereon to the Governor and the Legislature. The bill would also update State law concerning implementation of the California Low Emission Vehicle program. The bill:

1) repeal the findings and declarations in section 1 of P.L.2003, c.206 (26:2C-8.15 et al.);

2) clarifies in State law that the Department of Environmental Protection will continue to implement the California Low Emission Vehicle program and the California zero emission vehicle requirements, as it has pursuant to regulation since January 1, 2009;

3) specifies that for the purposes of the zero emission credit bank established pursuant to P.L.2003, c.206, the credits only apply to vehicles that are sold or leased in the State; and

4) specifies that the task force cannot recommend the discontinuation of either the California Low Emission Vehicle program or the California zero emission vehicle requirements.